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# The Origin of the Name *Pacta Conventa* in 1573

P. SKWARCZYŃSKI\*

THE document drawn up at the electoral parliament of 1573, which contained the agreement concluded between the ambassadors of Charles IX, king of France, and Henry of Valois, his brother, on the one hand, and the Polish and Lithuanian Estates on the other, is well known under the name of the *Pacta Conventa*.<sup>1</sup> It embodies the agreement under which Henry of Valois was accepted by the estates as king-elect.

The preamble to the document introduces the term 'Articuli Pactorum Conventorum',<sup>2</sup> though the contents of the agreement were described in the text by two expressions, 'certa pacta seu conditiones'. The term 'Pacta Conventa' has been accepted ever since as the name of the document containing the stipulations of the agreement concluded between the French ambassadors on behalf of Charles IX and Henry and the estates. It was used in this sense in several documents issued at the same time as the *Pacta Conventa* itself. The text of the oath prepared for Charles IX ran: '... quod omnia pacta conventa et conditiones, seu capitula . . .'; and again: '... quaecunque in literis confirmationis nostrae dictorum pactorum conventorum et promissorum continentur'.<sup>3</sup> The text of the oath of the French ambassadors repeated: 'quod omnia pacta conventa et conditiones seu capita . . .'.<sup>4</sup> Uchański, in his 'protestatio' in connection with the form of the oath taken by the French ambassadors, uses the words 'de observantia pactorum conventorum'.<sup>5</sup> Several other documents make use of somewhat similar expressions. The public declaration of Henry as king-elect contains the words: '... ac item pacta et conventa in iisdem comitiis electionis . . .',<sup>6</sup> the two

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<sup>1</sup> Cf. *Leges, Statuta, Constitutiones privilegia Regni Poloniae, Magni Ducatus Lithuaniae*, Warsaw, 1733, II, pp. 859–62.

<sup>2</sup> *Ibid.*, II, p. 859: 'Articuli Pactorum Conventorum inter Illustrissimum Senatum, et Amplissimos Status et Ordines Incliti Regni Poloniae, ac Magni Ducatus Lithuaniae, ab una, et Reverendissimum ac Magnificum Dominum Joannem Monlucium, . . . Caroli Dei gratia Regis Galliarum Christianissimi, fratrisque sui Henrici, . . . ad eodem Status et Ordines Regni missos Oratores, parte ab altera.'

<sup>3</sup> Juramentum Serenissimi Caroli Galliarum Regis in H. de Noailles, *Henri de Valois et la Pologne en 1572*, Paris, 1867, III, p. 463.

<sup>4</sup> W. S. Broel-Plater, *Zbiór pamiętników do dziejów Polski*, Warsaw, 1858, III, p. 229; cf. MS. 1156, Zamoyski Library, p. 80.

<sup>5</sup> *Uchanciana seu collectio documentorum illustrantium vitam et res gestas Jacobi Uchański*, ed. by T. Wierzbowski, Warsaw, 1884, II, p. 275: Protestacya Uchańskiego w sprawie formuły przysięgi, . . . (die vero 20 Maii, 1573).

<sup>6</sup> H. de Noailles, *Henri de Valois* . . ., III, p. 468; Denuntiatio electi regis Henrici data Parisiis in curia parlamenti die 13 Septembris 1573.

nouns signifying the agreement being linked by the conjunction 'et'.<sup>7</sup> The same two words were sometimes used in a verbal form, as, for example, in a letter written by Henry to the estates on 23 September 1573. Henry assured them that he would fulfil all those promises 'qua ab oratoribus Christianissimi Regis fratris nostri, ac nostris, cum ordinibus in comitiis electionis nostrae pacta et conventa . . . sunt . . .'.<sup>8</sup> The expression 'Pacta Conventa' was thus used simultaneously in different contemporary documents, and it at once became a term of official language.

Political writers also came to accept the name 'Pacta Conventa', though here the process took some time. Contemporary writers<sup>9</sup> for the most part used the term 'conditiones' for Henry's *Pacta Conventa* and the 'Articuli Henriciani'. Yet they sometimes used the name 'Pacta Conventa' as well. Heidenstein says ' . . . pactisque conventis expletis . . .';<sup>10</sup> and Orzelski similarly says: 'Cumque ab ipsis exemplum pactorum et conventionum accepisset. . .'.<sup>11</sup> Solikowski used the term 'potwierdzenie paktów konwentów',<sup>12</sup> and Lippomano, the Venetian ambassador, also employs the words 'Pacta Conventa' in his report of 1575.<sup>13</sup> The use of the term 'Pacta Conventa', however, by contemporary authors was not very frequent, the term 'conditiones' being in more general use. It gradually grew more common, until it eventually became a well-known term to express the agreement between the newly elected king and the estates. It was used in this sense for the next two centuries and was last used at the time of the election of Stanisław August Poniatowski.

It is not without interest to inquire whether the name 'Pacta Conventa' originated with Henry's election or was already known before 1573. To answer this question it seems useful to investigate at least two factors which might help to explain the appearance of the term 'Pacta Conventa' in 1573. The first factor is the civil law. Roman

<sup>7</sup> In MS. No. 112, Public Record Office, Warsaw, the term 'pacta et conventa' was used. Sometimes it was also repeated later as in 1576, *Leges, Statuta* . . . , II, p. 894: 'Literae pactorum et conventorum'.

<sup>8</sup> MS. 1785, 39, 40. Zamoyski Library. Cf. also MS. 1785. 37, where ' . . . pactum et conventum est . . . ' was used.

<sup>9</sup> S. Orzelski, 'Interregni Poloniae libri 1572-1576', ed. E. Kuntze, *Scriptores rerum polonicarum*, Cracow, 1917, XXII, p. 147 and *passim*; R. Heidenstein, *Rerum polonicarum ab excessu Sigismundi Augusti*, Francofurti ad Moenum, 1672, p. 44, and *passim*; id., *De Vita Joannis Zamoyscii, in Collectanea vitam resque gestas Joannis Zamoyscii*, ed. by A. T. Działyński, Poznań, 1861, pp. 18-19; J. D. Solikowski, 'Commentarius brevis rerum polonicarum, a morte Sigismundi Augusti', *Scriptores rerum polonicarum*, Amstelodami, 1698, I, pp. 6-7; S. Rescius, *De rebus in electione, professione, coronatione Henrici Regis Poloniae in Galia et in Polonia gestis*, Romae, 1574; S. Karnkowski, *De modo et ordine electionis novi regis apud Varsoviā habitae*, Cracoviae, 1573, p. 7; id., *Epistolae illustrium virorum*, Cracoviae, 1578, p. Rr. III verso.

<sup>10</sup> R. Heidenstein, *Rerum polonicarum*, p. 32.

<sup>11</sup> S. Orzelski, *op. cit.*, p. 144.

<sup>12</sup> J. D. Solikowski, *Commentarius brevis*, p. 8.

<sup>13</sup> E. Rykaczewski, *Relacje nunc juszów apostolskich*, Paris, 1864, I, p. 266; cf. also A. M. Fredro, *Gestorum Populi Poloni sub Henrico Valesio*, Dantisci, 1660, pp. 82, 88, 103.

lawyers were familiar with the terms 'Pactum Convenum' and 'Pacta Conventa', and a cursory glance at the *Corpus iuris civilis* shows that both terms were in common use. Ulpianus,<sup>14</sup> Paulus,<sup>15</sup> Gaius,<sup>16</sup> Modestinus,<sup>17</sup> Pomponius,<sup>18</sup> Proculus,<sup>19</sup> Alfenus,<sup>20</sup> Julianus,<sup>21</sup> and Javolenus<sup>22</sup> all made use of them.<sup>23</sup> They were applied in various fields of the civil law, including the law of marriage. In addition the term 'Pactum Convenum' was often used by politicians and literary writers, especially Cicero.<sup>24</sup> When discussing written law, he distinguishes between public and private law and deals with the 'Pactum Convenum' under private law. He says: 'Scriptorum autem privatum aliud est, publicum aliud: publicum lex senatus—consultum foedus, privatum tabulae pactum convenum stipulatio. . .'.<sup>25</sup>

Mediaeval commentators on Roman law continued to use the term 'Pacta Conventa' in their writings. For example, Bartolus of Saxoferrato,<sup>26</sup> in his 'Commentaria' to the 'Codex' of Justinian and to the 'Digesta' uses the term 'Pacta Conventa'<sup>27</sup> several times in connection with various fields of civil law. Baldus<sup>28</sup> in his 'Praelectiones' says: 'De Pactis conventis tam super dote quam super donatione ante nuptias. . .'.<sup>29</sup> The term was also used by Straccha:<sup>30</sup> 'De Pactis conventis inter creditores et decoctores.'<sup>31</sup> In 16th-century Poland some documents concerning matrimonial agreements repeat this term from time to time. In 1535 a matrimonial agreement,<sup>32</sup> signed in connection with the marriage of Hedvig, the daughter of Sigismund I, was phrased as follows:

<sup>14</sup> *Corpus iuris civilis*, I, Digestorum seu Pandectarum liber . . . , De Pactis, pp. 56, 57; De Pactis Dotalibus, p. 344. Cf. p. 57: ' . . . Ait praetor: "Pacta conventa, quae neque dolo malo, neque adversus leges plebis scita senatus consulta decreta edicta principum, neque quo fraus cui eorum fiat, facta erunt, servabo."

<sup>15</sup> *Ibid.*, pp. 58, 59, 62, 343.

<sup>16</sup> *Ibid.*, p. 60.

<sup>17</sup> *Ibid.*, p. 60.

<sup>20</sup> *Ibid.*, p. 344.

<sup>18</sup> *Ibid.*, p. 343.

<sup>21</sup> *Ibid.*, p. 344.

<sup>19</sup> *Ibid.*, p. 344.

<sup>22</sup> *Ibid.*, p. 344.

<sup>23</sup> For other examples, cf. *Vocabularium iurisprudentiae Romanae*, I, Berlin, 1903, pp. 1027-8.

<sup>24</sup> H. J. Roby, *Roman Private Law in the times of Cicero and the Antonines*, Cambridge, 1902, II, pp. 6, 9, 101, 139.

<sup>25</sup> M. Tulli Ciceronis, *Rhetorica*, II. Partitiones Oratoriae, Oxford, 1903, p. 130. Cf. also id., *Orationes*, Oxford, 1909, Pro A. Caecina oratio, 18, 51.

<sup>26</sup> Bartolus of Saxoferrato was born in 1314, and died in 1357.

<sup>27</sup> Bartolus of Saxoferrato in *Primam Codicis Justiniani Partem Commentaria cum additionibus*, . . . Basileae, 1588, p. 541: De Pactis conventis; id., *Opera* . . . , in *Primam Digesti Veteris Partem Commentaria* . . . Basileae, 1588, pp. 303, 319; id., in *Secundam Partem Digesti Veteris Commentaria*, Basileae, 1588, p. 367: Pacta conventa.

<sup>28</sup> Baldus Perusinus was born c. 1319, died 1400.

<sup>29</sup> Baldi Perusini in *Quartum et quintum codicis libr. praelectiones*, Lugduni, 1561, p. 210.

<sup>30</sup> Straccha Benevenutus Anconitanus was born in 1509, died in 1578.

<sup>31</sup> Benevenuti Stracchae Anconitani De Conturbatoribus sive Decoctoribus in: *Tractatus illustrium in utraque tum Pontificii, tum Caesaris iuris facultate iurisconsultorum*, De Contractibus lictis, tomi VI, Pars I, Venetiis, 1581.

<sup>32</sup> Pacta matrimonialia inter Sigismundum I. regem Poloniae nomine filiae suae Hedvigis et Joachimum Juniorem Marchionem Brandenburgensem inita. Vilnae d. 21 martii anno 1535; M. Dogiel. *Codex diplomaticus regni Poloniae et magni ducatus Lithuaniae*, Vilnae, 1758, I, p. 425.

Nam Nos Sigismundus Dei Gratia rex Poloniae, magnus dux Lithuaniae, Russiae, totiusque Prussiae ac Masoviae etc. dominus, et haeres illustrissimo principi domino Joachimo Juniori Marchioni Brandenburgensi, per memoratos nuntios suos ambienti illustrissimam principem, et virginem Hedvigim filiam nostram primagenitam, eandemque charissimam despondemus, secundum ea Pacta, atque Conventa, quae sequuntur . . .

and it went on: 'omnia haec Pacta et Conventa, irrita . . .'; and: 'per quas haec Pacta atque Conventa tractata, et transacta sunt'.<sup>33</sup> The expression 'Pacta Conventa' was thus accepted in the wording of the treaty almost in the same way as it was in 1573; and the two words 'Pacta' and 'Conventa' were linked by the conjunction 'et'. A marriage treaty of 1537 also used both words together, though not in the same form as in 1535:

Nos vero quaecumque pacta, conventa, facta, transacta per eos fuerint, haud aliter Nos ea observaturos, rataque habituros sancte promittimus, quam si per Nos ipsos pacta, conventa, facta, transactaque essent. . . .<sup>34</sup>

The Swedish ambassador also used the term 'Pacta Conventa' in a speech delivered during the electoral parliament of 1573. He used it to designate the stipulations of the matrimonial contract of Catherine Jagiellon, queen of Sweden: ' . . . quod tamen et jure naturali et constitutionum hujus regni vigore, et ex pactis conventis fieri aequissimum erat.'<sup>35</sup> Bishop Karnkowski employed the expression in a similar sense during the electoral campaign: ' . . . vel ex pacto convento . . .'.<sup>36</sup>

Thus the term 'Pacta Conventa' was in continuous use from Roman times through the Middle Ages to the 16th century. In Poland, however, its meaning in the early 16th century seems mainly to have been connected with matrimonial agreements. It would be interesting in this connection to examine the many manuscripts of Bartolus of Saxoferrato<sup>37</sup> and others, as well as those of Cicero and his Polish commentators, which still exist in Polish libraries<sup>38</sup>, and find out the extent to which they make use of the term 'Pacta Conventa'.

Scholars disagree about the linguistic interpretation of the term 'Pacta Conventa'. Some scholars, like Karlowa, Mitteis, Kübler and Ferrini, consider the term to be a union of two nouns. Others, like

<sup>33</sup> M. Dogiel, *Codex diplomaticus*, I, p. 428.

<sup>34</sup> *Ibid.*, p. 192.

<sup>35</sup> W. S. Broel-Plater, *Żbiór pamiętników*, III, p. 150.

<sup>36</sup> H. de Noailles, *op. cit.*, III, p. 389.

<sup>37</sup> Cf. J. Fijałek, *Dominus Bartolus de Saxoferrato eiusque permagna in Polonos auctoritas*, Cracow, 1914. The author enumerates the MSS. of Bartolus of Saxoferrato maintained in the Polish Archives.

<sup>38</sup> Cf. W. Wisłocki, *Katalog rękopisów Biblioteki Uniwersytetu Jagiellońskiego*, Cracow, 1877-81.



Koschaker, Manenti and Bonfante, treat 'Conventum' as an adjective.<sup>39</sup> The same problem arises in relation to the term 'Pacta Conventa' at the time of its introduction into 16th-century Poland.

The second factor which needs to be examined in trying to explain the use of the term 'Pacta Conventa' in 1573 is the mediaeval constitution and especially its concept of the contractual relationship between the prince and his subjects. It is hardly necessary to show that the word 'pacta' was already used in mediaeval Polish documents. The charter of Buda in 1355, for example, includes the word 'pacta' in its text several times: 'extunc omnia pacta, conventiones, dispositiones, ordinationes . . .' or '. . . horum pactorum occasione . . .', and again 'pacta autem, conventiones, dispositiones et ordinationes quascunque, et instrumenta confecta'.<sup>40</sup> The charter of Koszyce in 1374 also used the term: 'omnes autem alias literas, ordinationes, pacta, instrumenta et munimenta data et concessa per Nos et Successores nostros parte ex una, ac praedictos barones et nobiles regni praedicti parte ex altera.'<sup>41</sup> Both charters employed the term to express the agreement, or rather the agreed stipulations, reached between the king and the representatives gathered in the 'conventus generalis'. Janko of Czarńków, in his chronicle, employed 'pacta' in the same sense.<sup>42</sup> Later, in 1386, a document issued in Włokowysk contained a similar sentence: '. . . cum ipso domino Jagalone . . . taliter pactavimus . . .'.<sup>43</sup>

The term 'pacta' was also known in the ecclesiastical field. When an agreement was reached, in 1512, between Sigismund I and the chapter of Varmia in connection with the succession to the bishopric,<sup>44</sup> a contemporary inscription expressed it thus: 'Varmiensis ecclesiae pacta recentiora cum Sigismundo rege de electione episcopi.'<sup>45</sup> The most interesting use of the word, however, is found in a document issued by Sigismund Augustus in 1537: '. . . Caeterum ut pactis illis et conditionibus, quibus regnum ad nos delatum est, stemus . . .'.<sup>46</sup> Here the two terms 'pacta' and 'conditiones' are used

<sup>39</sup> *Paulys Real-Encyclopädie der Classischen Altertumswissenschaft* . . . herausgegeben von Wilhelm Kroll und Karl Mittelhaus, Stuttgart, 1942, p. 2132, 40.

<sup>40</sup> J. S. Bandtkie, *Ius polonicum*, Warsaw, 1831, p. 157; *Codex diplomaticus Poloniae Majoris*, ed. J. Zakrzewski, Poznań, 1877, III, no. 1328; *Codex diplomaticus Cathedrae Cracoviensis*, ed. F. Piekosiński, Cracow, 1874, I, no. 201.

<sup>41</sup> *Leges, Statuta* . . ., I, p. 55; *Codex diplomaticus Poloniae Majoris*, III, no. 1709; J. S. Bandtkie, *Ius polonicum*, p. 184.

<sup>42</sup> *Monumenta Poloniae Historica*, ed. A. Bielowski, L'vov, 1864, II, p. 737.

<sup>43</sup> *Codex epistolaris saeculi decimi quinti*, ed. A. Sokolowski, J. Szujski, A. Lewicki in *Monumenta medii aevii historica res gestas Poloniae illustrantia*, 1891, XII, no. 6, p. 7; S. Kutrzeba, W. Semkowicz, *Akta Unii Polski z Litwą 1385-1791*, Cracow, 1932, no. 2.

<sup>44</sup> *Litterae reversales nuntiorum Lucae episcopi electi totiusque capituli Varmensis pactum cum commissariis Sigismundi regis Poloniae de processu in eligendis episcopis Varmiensibus observando conventum testantes*; *Corpus iuris Polonici*, ed. O. Balzer, Cracow, 1906, III, no. 116, p. 229.

<sup>45</sup> *Ibid.*, pp. 229, 255.

<sup>46</sup> *Leges, Statuta* . . ., I, p. 513.

together, almost in the same way as in the text of the *Pacta Conventa*. The terms express the conditions of the succession of Sigismund Augustus to the throne.

The first word of the term 'Pacta Conventa' was thus clearly in use long before Henry's election and appeared when relations between kings and their subjects were established at their election, as on other occasions. In addition, the word 'pactum' was used in treaties concluded by sovereigns with foreign powers and in matrimonial agreements signed by the House of Jagiellon with foreign princes.<sup>47</sup> The second word, 'conventa', was also known in the wording of official documents before 1573. In matrimonial treaties it often appeared in the verbal form: 'conventum est'.<sup>48</sup> The charter of 1501 ran: '... singulaque per universum consilium conventa executioni demandare' and '... non alia decernemus nisi de quibus universi consilio convenerint ...'.<sup>49</sup> In the text of an agreement<sup>50</sup> between the chapter of Varmia and Sigismund I occur the words: 'praefatos dominos ... ad agendum, pertractandum, conveniendum et transigendum cum serenissimo principe et domino Sigismundo ...';<sup>51</sup> and: 'ipsi domini Andreas custos et Joannes archidiaconus une cum reverendo in Christo patre et domino Fabiano episcopo nostro Varmiensi cum eodem domino nostro rege convenerunt, concordarunt et consenserunt ...'; and later, in a similar way: 'per eosdem dominos ... in praemissis acta, gesta, conventa atque consensa ...'.<sup>52</sup>

Each word in the term 'Pacta Conventa' was thus separately in use in various documents before Henry's election. But as the joint term 'Pacta Conventa' to express the agreement reached between the ruler and his subjects they did not appear together before 1573.

To sum up, we can say that the term 'Pacta Conventa' was already known before 1573. It was used in civil law and by later commentators in practically all fields of private law. But it was apparently unknown in public relations and with reference to the mediaeval constitution. It is likely therefore that the authors of the *Pacta Conventa* of 1573 borrowed the term from Roman law. This explanation will appear to be all the more valid when it is realised how many manuscripts pertaining to Roman civilisation are preserved in Polish libraries.<sup>53</sup> The manuscripts of both Roman lawyers and their later commentators as well as of the classical writers were widely read

<sup>47</sup> The examples of that can be found in M. Dogiel, *Codex diplomaticus*, I, pp. 43, 132, 139, 177, 187, 192, 197, 201, 219, 220, 451.

<sup>48</sup> *Ibid.*, pp. 139, 220, 451.

<sup>49</sup> J. S. Bandtkie, *Ius polonicum*, p. 362.

<sup>50</sup> Litterae capituli ecclesiae cathedralis Varmiensis pactum Fabiani eiusdem ecclesiae episcopi cum Sigismundo rege Poloniae de processu in eligendis episcopis Varmiensibus observando conventum ratum habentes, *Corpus iuris Polonici*, III, no. 127, p. 255.

<sup>51</sup> *Ibid.*, p. 259.

<sup>52</sup> *Ibid.*, p. 260.

<sup>53</sup> W. Wisłocki, *Katalog rękopisów Biblioteki Uniwersytetu Jagiellońskiego*, Cracow, 1877-81.

and carefully commented on.<sup>54</sup> It may be that the matrimonial agreement which it had been proposed to include in the *Pacta Conventa*, as the draft indicates, influenced the authors of the document to some extent. Above all, however, the authors of the *Pacta Conventa* of 1573 regarded it as an additional pact, supplementary to the principal act, the *Decretum electionis*, and they probably chose the expression 'Pacta Conventa' for that reason. The term was also used by Roman lawyers in this sense.<sup>55</sup>

The *Pacta Conventa* of 1573 covered various issues: it was an international treaty concluded between Charles IX and the Polish and Lithuanian estates; it was an agreement between the new king and his subjects, wherein certain obligations and promises made by Henry were enumerated; a matrimonial agreement was dropped at the last moment before any signatures were affixed. Thus the whole document had something of a public character, though the personal promises made by Henry were its main subject-matter.

By borrowing the term 'Pacta Conventa' in 1573 the politicians probably wanted to emphasise the private and personal character of the obligations of the newly elected king, on the analogy of the term 'Pactum Conventum' as used in private Roman law. Probably therefore the arrangements which were stipulated as a guarantee for the fulfilment of the royal obligations were based on Henry's personal property.<sup>56</sup>

If the term 'Pacta Conventa' was really taken from the civil law, as there is good reason to suppose, it had completely lost its original meaning. A new institution was growing up bearing the Roman name but in a different context. During the first three elections the *Pacta Conventa* included principally the personal promises made by the newly elected king, but later on they were to embrace important constitutional issues of a definitely public character.

'Pacta Conventa', however, is not the only term which was in all probability accepted partly, if not entirely, under the influence of Roman writers and lawyers. Polish politicians in the 16th century took other terms from Roman law.<sup>57</sup> Among them, the term 'Senate' was adopted as the name of the upper house in the Polish parliament and that of 'Senatus Consulta' as the name of the resolutions carried by the senators who formed the king's inner council. King

<sup>54</sup> It is interesting to notice that Karnkowski, one of the most active politicians, referred several times to Cicero in his speech delivered at the Electoral Parliament; cf. H. de Noailles, III.

<sup>55</sup> *Paulys Real-Encyclopädie der Classischen Altertumswissenschaft*, herausgegeben von W. Kroll und K. Mittelhaus, vol. 36, Stuttgart, 1942, pp. 2137, 2142.

<sup>56</sup> '... promittentes bona fide existimationisque nostrae periculo et pignore omnium nostrorum bonorum mobilium et immobilium, praesentium et futurorum, quaecunque ad nostros haeredes et successores pervenient . . .'; H. de Noailles, III, p. 459.

<sup>57</sup> I am not mentioning here the term 'Respublica' as it was adopted much earlier.



Sigismund II was named 'Augustus' as a result of the cult of Roman history.<sup>58</sup> The name 'Articulus de non praestanda oboedientia' was also probably formulated on the Roman model, not to mention here the great influence of Cicero with his ideas of the civic spirit.<sup>59</sup>

<sup>58</sup> S. Kot, *Wpływ starożytności klasycznej na teorie polityczne Andrzeja Frycza z Modrzewa*, in *Rozprawy Akademii Umiejętności, Wydział historyczno-filozoficzny*, ser. II, t. XXIX, Cracow, 1911, pp. 241–2.

<sup>59</sup> S. Kot, *op. cit.*, p. 263; cf. also T. Zieliński, *Cicero im Wandel der Jahrhunderte*, Leipzig, 1912; H. Baron, *Cicero and the Roman Civic Spirit in the Middle Ages and the Early Renaissance*, Manchester, 1938; id., *The Crisis of the Early Italian Renaissance*, vols. I–II, Princeton, 1955.